

THE HONORABLE ROSANNA MALOUF PETERSON

MICHAEL E. McFARLAND, JR. #23000
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Attorneys for Defendant Whitman County

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

BARBARA ROCKNESS, an
individual,

Plaintiff,

vs.

RON ROCKNESS, an individual,
WHITMAN COUNTY, a political
subdivision of the State of
Washington,

Defendants.

Case No. 2:21-cv-00153-RMP

DEFENDANT WHITMAN
COUNTY'S ANSWER TO
PLAINTIFF'S SECOND AMENDED
COMPLAINT

COMES NOW Defendant WHITMAN COUNTY, by and through its
attorney of record, Michael E. McFarland, Jr. of Evans, Craven & Lackie, P.S.,
and enters this Answer to Plaintiff's Second Amended Complaint as follows:

I. PARTIES

1.1 This answering defendant is without sufficient information to admit
or deny the allegations contained in Paragraph 1.1 of Plaintiff's Second

DEFENDANT WHITMAN COUNTY'S ANSWER TO
PLAINTIFF'S SECOND AMENDED COMPLAINT - page 1

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1 Amended Complaint and therefore denies the same.

2
3 1.2 This answering defendant is without sufficient information to admit
4 or deny the allegations contained in Paragraph 1.2 of Plaintiff's Second
5 Amended Complaint and therefore denies the same.
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7 1.3 This answering defendant admits the allegations contained in
8 Paragraph 1.3 of Plaintiff's Second Amended Complaint.
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10 **II. JURISDICTION AND VENUE**

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12 2.1 This answering defendant admits the allegations contained in
13 Paragraph 2.1 of Plaintiff's Second Amended Complaint.
14

15 2.2 This answering defendant admits that Plaintiff served notice of this
16 claim to Whitman County on February 3, 2021.
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18 **III. FACTS**

19 3.1 This answering defendant admits the allegations contained in
20 Paragraph 3.1 of Plaintiff's Second Amended Complaint.
21

22 3.2 This answering defendant is without sufficient information to admit
23 or deny the allegations contained in Paragraph 3.2 of Plaintiff's Second
24 Amended Complaint and therefore denies the same.
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27 3.3 This answering defendant is without sufficient information to admit
28 or deny the allegations contained in Paragraph 3.3 of Plaintiff's Second
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1 Amended Complaint and therefore denies the same.

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3 3.4 This answering defendant is without sufficient information to admit
4 or deny the allegations contained in Paragraph 3.4 of Plaintiff's Second
5 Amended Complaint and therefore denies the same.
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7 3.5 This answering defendant is without sufficient information to admit
8 or deny the allegations contained in Paragraph 3.5 of Plaintiff's Second
9 Amended Complaint and therefore denies the same.
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11 3.6 This answering defendant is without sufficient information to admit
12 or deny the allegations contained in Paragraph 3.6 of Plaintiff's Second
13 Amended Complaint and therefore denies the same.
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16 3.7 This answering defendant is without sufficient information to admit
17 or deny the allegations contained in Paragraph 3.7 of Plaintiff's Second
18 Amended Complaint and therefore denies the same.
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21 3.8 This answering defendant admits the allegations contained in
22 Paragraph 3.8 of Plaintiff's Second Amended Complaint.
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24 3.9 This answering defendant is without sufficient information to admit
25 or deny the allegations contained in Paragraph 3.9 of Plaintiff's Second
26 Amended Complaint and therefore denies the same.
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28 3.10 This answering defendant denies the allegations contained in
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1 Paragraph 3.10 of Plaintiff's Complaint.

2 **IV. FIRST CAUSE OF ACTION – NEGLIGENCE**

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4 4.1 This answering defendant re-alleges and reincorporates the
5 foregoing paragraphs as if fully set forth herein.
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7 4.2 The allegations contained in Paragraph 4.2 of Plaintiff's Second
8 Amended Complaint are not directed at this answering defendant and require no
9 response. To the extent a response is required, this answering defendant denies
10 all allegations of liability contained in Paragraph 4.2 of Plaintiff's Second
11 Amended Complaint.
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14 4.3 These answering defendants deny the allegations contained in
15 Paragraph 4.3 of Plaintiff's Second Amended Complaint.
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18 **V. SECOND CAUSES OF ACTION – BATTERY AND ASSAULT**

19 5.1 This answering defendant re-alleges and reincorporates the
20 foregoing paragraphs as if fully set forth herein.
21

22 5.2 The allegations contained in Paragraph 5.2 of Plaintiff's Second
23 Amended Complaint are not directed at this answering defendant and require no
24 response. To the extent a response is required, this answering defendant denies
25 all allegations of liability contained in Paragraph 5.2 of Plaintiff's Second
26 Amended Complaint.
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1 5.3 The allegations contained in Paragraph 5.3 of Plaintiff's Second
2 Amended Complaint are not directed at this answering defendant and require no
3 response. To the extent a response is required, this answering defendant denies
4 all allegations of liability contained in Paragraph 5.3 of Plaintiff's Second
5 Amended Complaint.
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8 5.4 The allegations contained in Paragraph 5.4 of Plaintiff's Second
9 Amended Complaint are not directed at this answering defendant and require no
10 response. To the extent a response is required, this answering defendant denies
11 all allegations of liability contained in Paragraph 5.4 of Plaintiff's Second
12 Amended Complaint.
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16 5.5 This answering defendant denies the allegations contained in
17 Paragraph 5.5 of Plaintiff's Second Amended Complaint.
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19 **VI. THIRD CAUSE OF ACTION – OUTRAGE**
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21 6.1 This answering defendant re-alleges and reincorporates the
22 foregoing paragraphs as if fully set forth herein.
23

24 6.2 The allegations contained in Paragraph 6.2 of Plaintiff's Second
25 Amended Complaint are not directed at this answering defendant and require no
26 response. To the extent a response is required, this answering defendant denies
27 all allegations of liability contained in Paragraph 6.2 of Plaintiff's Second
28
29

1 Amended Complaint.

2 6.3 This answering defendant denies the allegations contained in
3
4 Paragraph 6.3 of Plaintiff's Second Amended Complaint.

5 **VII. FOURTH CAUSE OF ACTION – VIOLATION OF 42 U.S.C. §**
6 **1983: MUNICIPAL LIABILITY**
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8 7.1 This answering defendant re-alleges and reincorporates the
9
10 foregoing paragraphs as if fully set forth herein.

11 7.2 This answering defendant denies the allegations contained in
12
13 Paragraph 7.2 of Plaintiff's Second Amended Complaint.

14 7.3 This answering defendant denies the allegations contained in
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16 Paragraph 7.3 of Plaintiff's Second Amended Complaint.

17 **VIII. PRAYER FOR RELIEF**
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19 This answering defendant denies all allegations of liability in this matter
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21 and therefore denies that Plaintiff is entitled to any recovery. This answering
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23 defendant further denies the existence, nature and extent of Plaintiff's claimed
24 injuries and damages.

25 To the extent any allegation of Plaintiff's Second Amended Complaint has
26
27 not been admitted, or a lack of information claimed, it is denied.

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JURY DEMAND

In accordance with F.R.C.P and pursuant to the Seventh Amendment, this answering defendant hereby demands this matter appear before a jury.

AFFIRMATIVE DEFENSES

1. Plaintiff has failed to state a claim upon which relief can be granted.

2. Based upon information and belief, and subject to discovery, Plaintiff may have failed to mitigate her damages.

3. Based upon information and belief, and subject to discovery, Plaintiff's claimed injuries and damages may be the result of Plaintiff's own actions and inactions.

4. Plaintiffs' claimed injuries and damages, as alleged, were caused by the fault and/or intentional conduct of defendant Ron Rockness, which conduct cannot be attributed to Whitman County.

DEFENDANTS' PRAYER FOR RELIEF

WHEREFORE, having fully answered Plaintiff's Second Amended Complaint, this answering defendant requests that Judgment be entered against Plaintiff as follows:

1. Judgment dismissing Plaintiff's Complaint with prejudice;

2. Reasonable attorney fees and costs; and

1 3. For such other and further relief as the Court deems equitable.

2 DATED this 17th day of May, 2021.

3
4 EVANS, CRAVEN & LACKIE, P.S.

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6 By: s/ Michael E. McFarland, Jr.
7 MICHAEL E. McFARLAND, JR., #23000
8 Attorneys for Defendant Whitman County
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CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Counsel for Plaintiff

Michael D. Myers

Samantha Lin

Myers & Company, P.L.L.C.

Email: mmyers@myers-company.com

Email: slin@myers-company.com

Email: tpak@myers-company.com

Counsel for Ron Rockness

Roger Sandberg

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Email: marina@essersandberg.com

s/ Michael E. McFarland, Jr.

MICHAEL E. McFARLAND, #23000

Attorney for Defendant Whitman County

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